

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

**ACOUSTI ENGINEERING  
COMPANY OF FLORIDA,**

**Plaintiff,**

**v.**

**Case No: 6:23-cv-424-WWB-EJK**

**CARLOS VELASCO, MARBEL  
BAUTISTA, JOEL PALMER,  
BRYAN GARNER, MARCOS  
RIBEIRO, VPG BUILDERS LLC,  
and V3R CONSTRUCTION LLC,**

**Defendants.**

**ORDER**

This cause comes before the Court on Defendant Marcos Ribeiro’s Motion to Compel Interrogatory Responses (the “Motion”), filed June 21, 2023. (Doc. 56.) Plaintiff responded in opposition on July 5, 2023. (Doc. 59.) Upon consideration, the Motion is due to be denied.

Defendant Ribeiro moves to compel Plaintiff to produce complete answers to Interrogatories 1 and 3 of Defendant’s First Set of Interrogatories, as well as for sanctions in the form of attorney’s fees and costs pursuant to Federal Rule of Civil Procedure 37. (*See* Doc. 56.) In general, the interrogatories seek information related to Plaintiff’s conversion allegation against Defendant.

While Plaintiff responded to the interrogatories, Defendant asserts that Plaintiff “failed to provide any meaningful information at all,” (*id.* at 4) and that the answers

were not responsive to the interrogatories. (*Id.* at 6.) Plaintiff responds that it has answered to the best of its ability at this early stage in the litigation, that it has already provided supplemental responses, and that it has the intention to further supplement its responses as discovery progresses, pursuant to Federal Rule of Civil Procedure 26(e). (Doc. 59 at 2–3.) Plaintiff further opposes Defendant’s request for Rule 37 sanctions, arguing that an award of attorneys’ fees is not warranted and unjust. (Doc. 59 at 4.) At the same time, Plaintiff seeks attorneys’ fees for responding to the Motion. (*Id.*)

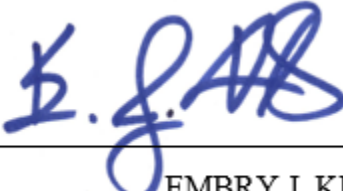
Under Rule 26(e), parties have a duty to supplement their discovery responses “if the party learns that in some material respect the disclosure . . . is incomplete or incorrect, and the additional or corrective information has not otherwise been made known to other parties during the discovery process or in writing.” Fed. R. Civ. P. 26(e)(1). Upon review of the discovery responses, the undersigned is satisfied with Plaintiff’s answers at this point, but will remind Plaintiff of its ongoing obligation to supplement its discovery responses.

With respect to fees, Federal Rule of Civil Procedure 37 provides that a court shall award sanctions, including expenses incurred as a result of filing a discovery motion, if the party's failure to comply with its discovery obligations is not substantially justified. *People for the Ethical Treatment of Animals, Inc. v. Dade City's Wild Things, Inc.*, No. 8:16-cv-2899-T-36AAS, 2018 WL 4760780, at \*1 (M.D. Fla. Jan. 19, 2018) (citing Fed. R. Civ. P. 37(a)(5)(A), (b)(2)(C), (d)(3)). However, the Court finds

that assessment of Rule 37 sanctions would be inappropriate at this time, given the arguments raised by both sides.

Accordingly, it is **ORDERED** that the Motion to Compel Interrogatory Responses (Doc. 56) is **DENIED**.

**DONE** and **ORDERED** in Orlando, Florida on July 19, 2023.



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EMBRY J. KIDD  
UNITED STATES MAGISTRATE JUDGE